

Entered - 10-13-03 - sb  
CL 03L0821 - GWENDOLYN BURNS


CLAIM OF:

**GLENN L. WILLIAMS**  
434 Fairhaven Court  
Stockbridge, Georgia 30281

**04-R -0281**

For vehicular damages alleged to have been sustained when a milk  
cartoon damaged a vehicle that was parked by a dumpster on July  
31, 2002 at 675 Ponce de Leon Avenue, NE.

THIS ADVERSED REPORT IS  
APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

MAR 01 2004  
JERRY L. DELOACH  
MUNICIPAL CLERK

MAR 01 2004

## ADVERSE REPORT

**PUBLIC SAFETY &**

**LEGAL ADMINISTRATION COMMITTEE**

DATE: 2/24/04

CHAIR: H. L. Shyne

C. T. Minter

Carla Smith

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

March 5, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Glenn L. Williams  
434 Fairhaven Court  
Stockbridge, GA 30281

04-R-0281

Dear Mr. Williams:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 03L0821

Date: January 13, 2004

Claimant /Victim GLENN L. WILLIAMS  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 434 Fair Haven Court, Stockbridge, Georgia 30281  
Subrogation: Claim for Property damage \$ 207.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 10/7/03 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 7/31/03 Place: 675 Ponce de Leon Avenue, NE  
Department PARKS, RECREATION AND CULTURAL AFFAIRS Division Parks  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that his parked vehicle sustained damage when it was struck by a milk carton that was thrown by a summer employee whose aim was the dumpster. However, the City is immune from liability for all operations as provided in O.C.G.A. 36-33-1.

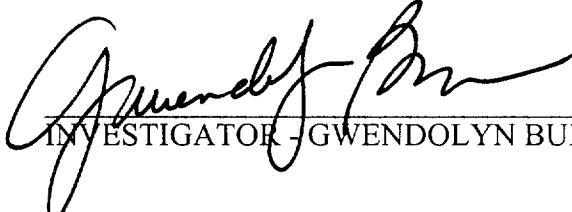
**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

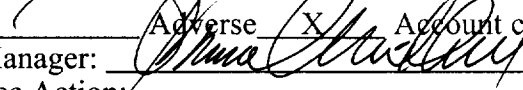
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
\_\_\_\_\_  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 02/12/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5475  
3/01/04  
3:54 PM

Atlanta City Council

Regular Session

CONSENT I                    CONSENT I , EXCEPT: 04-O-0328,04-O-0047  
04-O-0221,04-R-0309,04-O-0324,04-O-0216  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<b>3-01-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
1. 04-O-0324 2. 04-O-0328 3. 04-O-0332 4. 04-O-0337 5. 04-O-0338 6. 04-O-0339 7. 04-O-0155 8. 04-O-0047 9. 04-O-0221 10. 04-O-0251 11. 04-R-0039 12. 04-R-0305 13. 04-R-0306 14. 04-R-0307 15. 04-R-0308 16. 04-R-0353 17. 04-R-0298 18. 04-R-0301 19. 04-R-0313 20. 04-R-0344 21. 04-R-0345 22. 04-R-0366 23. 04-R-0248 24. 04-R-0297 25. 04-R-0325 26. 04-R-0326 27. 04-R-0336 28. 04-R-0343 29. 04-R-0355 30. 04-R-0299 31. 04-R-0316 32. 04-R-0062 33. 04-R-0302 34. 04-R-0303 35. 04-R-0304 36. 04-R-0309 37. 04-R-0354 38. 04-R-0275 39. 04-R-0276 40. 04-R-0277	41. 04-R-0278 42. 04-R-0279 43. 04-R-0280 <b>ITEMS ADVERSED ON CONSENT</b> 44. 04-R-0281 45. 04-R-0282 46. 04-R-0283 47. 04-R-0284 48. 04-R-0285 49. 04-R-0286 50. 04-R-0287 51. 04-R-0288 52. 04-R-0289 53. 04-R-0290 54. 04-R-0291 <b>55.</b> 04-R-0292 56. 04-R-0293 57. 04-R-0294 58. 04-R-0295 59. 04-R-0296